

**Merit Systems Protection Board**  
**Performance Plan**  
**Fiscal Year 2002 (Revised) & Fiscal Year 2003 (Final)**



**February 4, 2002**

## TABLE OF CONTENTS

Section	Page
<b>Mission .....</b>	<b>1</b>
<b>Guide to MSPB Office Functions and Acronyms .....</b>	<b>2</b>
<b>Budget Activity: Adjudication – Strategic Plan Goals 1 &amp; 2 - \$31.3 Million Requested (including funding for the Administration’s proposed Managerial Flexibility Act).....</b>	<b>3</b>
Strategic Plan Goal 1 To consistently provide fair, timely, and efficient adjudication of cases filed with the Board.....	3
Objective 1 – Issue high quality decisions.....	3
Goal 1.1.1.....	3
Maintain/reduce low percentage of cases decided by the Board on petition for review (PFR) that are reversed and/or remanded to MSPB judges for a new decision .....	3
Goal 1.1.2 (Revised – see narrative).....	3
Maintain/reduce low percentage of proposed decisions submitted by headquarters legal offices to the Board that are returned for rewrite .....	3
Goal 1.1.3.....	4
Maintain low percentage of remands to the Board from the U.S. Court of Appeals for the Federal Circuit .....	4
Goal 1.1.4.....	4
Maintain high percentage of Board decisions unchanged on review by the U.S. Court of Appeals for the Federal Circuit (Court dismisses case or affirms Board decision) .....	4
Objective 2 – Issue timely decisions at both the regional office and Board headquarters levels.....	5
Goal 1.2.1.....	5
Maintain average case processing time for initial decisions issued in regional offices .....	5
Goal 1.2.2 (Revised – see narrative).....	5
Maintain/reduce average case processing time for decisions on PFRs issued by the Board .....	5

Goal 1.2.3.....	5
Reduce average case processing time in the Office of the General Counsel for enforcement cases .....	5
Goal 1.2.4.....	6
Reduce number of cases pending at headquarters for more than 300 days.....	6
Goal 1.2.5 (New – see narrative).....	6
Reduce number of enforcement cases pending at headquarters for more than 300 days.....	6
Objective 3 – Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the changes in the number of decisions issued. ....	7
Goal 1.3.1 (Revised – see narrative).....	7
Use video conference hearings and telephone hearings, where appropriate, to reduce case processing costs .....	7
Goal 1.3.2.....	7
Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the changes in the number of decisions issued.....	7
Objective 4 – Obtain customer input regarding the adjudicatory process.....	8
Goal 1.4.1.....	8
Continue to evaluate and implement, as appropriate, suggestions received from customer surveys regarding the adjudicatory process.....	8
Goal 1.4.2 (FY 2002 only – see narrative) .....	8
Evaluate suspended case pilot program to determine impact of allowing additional time for discovery and settlement efforts.....	8
Strategic Plan Goal 2 To make effective use of alternative methods of dispute resolution in Board proceedings and to promote through education, outreach, and other appropriate means the use of alternative methods of dispute resolution and avoidance in the early stages of a dispute.....	15
Objective 1 – Continue the successful use of alternative dispute resolution (ADR) procedures in MSPB proceedings at both the regional office and Board headquarters levels.....	15
Goal 2.1.1.....	15
Maintain rate of settlement of initial appeals that are not dismissed at 50 % or higher .....	15
Goal 2.1.2.....	15
Maintain rate of settlement of cases selected for PFR Settlement Program at 25 % or higher.....	15
Goal 2.1.3.....	16
Calculate savings in case processing costs attributable to settlement programs.....	16
Goal 2.1.4 (New – see narrative).....	16

Respond promptly to customer inquiries regarding the PFR Settlement Program .....	16
Objective 2 – Promote the use of ADR procedures in the early stages of a dispute in order to resolve appealable matters at the lowest practicable level and reduce the costs of conflict .....	17
Goal 2.2.1 (Revised – see narrative).....	17
Implement voluntary early intervention ADR pilot program.....	17
Goal 2.2.2 (Revised – see narrative).....	18
Develop a well regarded capability to fully participate in ADR case work, which is used by appellants and agencies, and results in less litigation.....	18
Goal 2.2.3.....	19
Conduct outreach focused on agency decision makers, emphasizing the benefits of early use of ADR and providing information on both the Board’s ADR initiatives and other ADR processes that are available.....	19
Objective 3 – Provide governmentwide leadership in the use of ADR to resolve Federal personnel disputes.....	20
Goal 2.3.1 (Revised – see narrative).....	20
Conduct customer surveys, with OMB approval, to determine awareness of MSPB ADR initiatives and use of MSPB-provided ADR services .....	20

**Budget Activity: Merit Systems Studies – Strategic Plan Goal 3 - \$1.1 million requested (including funding for the Administration’s proposed Managerial Flexibility Act).....23**

Strategic Plan Goal 3 To provide information, analyses, and recommendations on Federal personnel programs, policies, and initiatives to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management .....	23
Objective 1 – Conduct governmentwide merit systems studies that provide information on, and analyses of, the state of Federal merit systems and the Federal workforce to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management; and make recommendations for improving the Federal Government’s ability to implement and maintain effective human resources management programs, policies, and practices that adhere to the merit system principles.....	23
Goal 3.1.1.....	23
Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations.....	23
Goal 3.1.1 (continued).....	24
Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations.....	24

Goal 3.1.2.....	25
Ensure that reports of studies are made widely available, particularly to target audiences, and disseminate findings through such means as personal appearances, personal contacts, publication of articles by OPE staff, and collaboration with other research organizations to increase impact of studies .....	25
Goal 3.1.3 (Revised – see narrative).....	26
Evaluate impact of studies through feedback from customer surveys, including formal surveys every 2 to 3 years, informal surveys (e.g., focus groups), and volunteered feedback (e.g., letters and e-mailed comments).....	26
Goal 3.1.4.....	27
Evaluate impact of studies through other appropriate means, such as tracking use of recommendations and tracking references to studies in policy papers, professional literature, and the media.....	27
Objective 2 – Determine through merit systems studies the extent to which Executive Branch departments and agencies operate in a manner consistent with the statutory merit system principles and the extent to which prohibited personnel practices occur in the Federal workplace.....	28
Goal 3.2.1 (Revised – see narrative).....	28
Conduct a triennial Merit Principles Survey, including questions intended to determine whether agencies adhere to the merit system principles and the extent to which prohibited personnel practices occur in the workplace, and report findings .....	28
<b>Budget Activity: Management Support – Strategic Plan Goals 4 &amp; 5 - \$3.7 million requested (including funding for the Administration’s proposed Managerial Flexibility Act) .....</b>	<b>30</b>
Strategic Plan Goal 4 To strengthen the MSPB’s internal systems and processes to support a continually improving, highly effective and efficient organization with the flexibility to meet program needs .....	30
Objective 1 – Develop and implement a MSPB strategic plan, with appropriate annual performance goals, objectives and measures, to direct individual and organizational efforts .....	30
Goal 4.1.1.....	30
Develop and submit strategic plan and performance plans that meet the requirements of GPRA and are satisfactory to OMB and the Congressional committees with jurisdiction over the MSPB; assess performance in relation to performance goals .....	30
Objective 2 – Allocate resources in support of mission requirements with flexibility to meet changes in workload and agency priorities .....	31
Goal 4.2.1.....	31

Coordinate requirements of all offices, determine priorities, and allocate appropriated funds so that mission requirements are met; make interim changes as necessary to respond to changes in workload and other external factors .....	31
Objective 3 – Develop and implement an integrated and updated automated agency-wide case management system to assist in effective case processing, management, and program evaluation .....	32
Goal 4.3.1 (Revised – see narrative).....	32
Implement new case management system (Law Manager) as part of information technology initiative.....	32
Objective 4 – Develop and implement electronic case filing to allow appellants and agencies to file and receive documents electronically.....	33
Goal 4.4.1.....	33
Continue implementation of electronic case filing, as part of information technology initiative, so that parties will be able to file and receive case documents electronically by October 2003, as required by the Government Paperwork Elimination Act (GPEA) .....	33
Objective 5 – Improve electronic access via the Internet and other available resources to MSPB case-related decisions, procedures and guidance .....	34
Goal 4.5.1.....	34
Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB Web site; provide information to customers in electronic form when requested .....	34
Objective 5 (continued) .....	35
Goal 4.5.1 (continued).....	35
Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB Web site; provide information to customers in electronic form when requested .....	35
Objective 6 – Identify, test, and implement, as appropriate, new technologies that will increase efficiency, reduce costs, and improve customer service.....	36
Goal 4.6.1 (Revised – see narrative).....	36
Stay abreast of changes in technology and continue to assess all agency operations to determine where new or improved technologies have the potential to increase efficiency, reduce costs, and improve customer service; analyze costs and benefits; implement where practicable.....	36
Goal 4.6.2 (New – see narrative).....	37
Continue to make improvements in information technology security program.....	37

Strategic Plan Goal 5 To develop the MSPB’s human resources to ensure a continually improving, highly effective and efficient organization with the flexibility to meet program needs .....	40
Objective 1 – Recruit, train, and retain skilled, highly motivated employees to effectively and efficiently accomplish the MSPB mission .....	40
Objective 2 – Ensure that all employees and components of the MSPB work well together and integrate their efforts to accomplish the MSPB mission .....	40
Objective 3 – Promote efficient and effective accomplishment of the MSPB mission by providing a work environment with workplace policies and programs that enable MSPB employees to excel.....	40
Goal 5.1.....	40
Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs .....	40
Goal 5.1 (continued) .....	41
Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs .....	41
Goal 5.2 (Revised – see narrative).....	42
Allocate sufficient resources to employee training so that all employees can receive the training identified in their Individual Development Plans (IDPs) .....	42
Goal 5.3.....	42
Conduct a biennial legal conference for MSPB administrative judges and headquarters attorneys.....	42
Goal 5.4.....	43
Continue to provide a family-friendly workplace, including AWS schedules and flexiplace arrangements.....	43
Goal 5.5.....	43
Address succession planning (within the context of merit-based selections for positions) in office business plans .....	43

**Merit Systems Protection Board  
Performance Plan  
FY 2002 and FY 2003**

**MISSION**

The Merit Systems Protection Board (MSPB) is an independent quasi-judicial agency established to protect Federal merit systems against partisan political and other prohibited personnel practices and to ensure adequate protection for employees against abuses by agency management. The Board carries out its statutory mission principally by:

- Adjudicating employee appeals of personnel actions over which the Board has jurisdiction, such as removals, suspensions, furloughs, and demotions;
- Adjudicating employee complaints filed under the Whistleblower Protection Act, the Uniformed Services Employment & Reemployment Rights Act (USERRA), and the Veterans Employment Opportunities Act;
- Adjudicating cases brought by the Special Counsel, principally complaints of prohibited personnel practices and Hatch Act violations;
- Adjudicating requests to review regulations of the Office of Personnel Management (OPM) that are alleged to require or result in the commission of a prohibited personnel practice—or reviewing such regulations on the Board’s own motion;
- Ordering compliance with final Board orders where appropriate; and
- Conducting studies of the Federal civil service and other merit systems in the Executive Branch to determine whether they are free from prohibited personnel practices.

In its Strategic Plan for FY 2001 – 2006, the Board has established five strategic goals for the accomplishment of its mission. These goals are set forth in the following pages, together with their associated performance goals for FY 2002 and FY 2003.



## **GUIDE TO MSPB OFFICE FUNCTIONS AND ACRONYMS**

All offices operate under the direction of the Chairman as CEO and report to the Chairman through the Chief of Staff, who also serves as the Chief Information Officer.

<b>ORO</b>	<u>Office of Regional Operations</u> – Manages the adjudicatory and administrative functions of the MSPB regional offices. Administrative judges in the regional offices adjudicate cases and issue initial decisions.
<b>ALJ</b>	<u>Office of the Administrative Law Judge</u> – Adjudicates complaints filed by the Special Counsel, complaints filed by agencies against administrative law judges, and other assigned cases, and issues initial decisions.
<b>OAC</b>	<u>Office of Appeals Counsel</u> – Prepares proposed final decisions for the Board on petitions for review (PFRs) of initial decisions.
<b>OCB</b>	<u>Office of the Clerk of the Board</u> – Dockets cases received at headquarters, prepares proposed final decisions for the Board under the Expedited PFR Program, and issues all Board decisions. Operates public information center, including responsibility for the MSPB Web site and other electronic information programs.
<b>OGC</b>	<u>Office of the General Counsel</u> – Legal advisor to the Board. Conducts the Board’s litigation. Prepares proposed final decisions for the Board in certain assigned cases.
<b>OPE</b>	<u>Office of Policy and Evaluation</u> – Conducts the Board’s governmentwide merit systems studies. Also conducts customer surveys.
<b>FAM</b>	<u>Financial and Administrative Management</u> – Manages the MSPB financial and administrative programs, including budget, procurement, and contracting. Manages interagency agreements with APHIS Business Services for performance of HRM functions and with the National Finance Center (NFC) for payroll and other financial services.
<b>IRM</b>	<u>Information Resources Management</u> – Manages the MSPB information technology programs. Principal advisor to CIO on IT matters. Responsible for technical requirements of information technology initiative and electronic information programs.
<b>OEEEO</b>	<u>Office of Equal Employment Opportunity</u> – Manages the MSPB EEO program.

**BUDGET ACTIVITY: ADJUDICATION – STRATEGIC PLAN GOALS 1 & 2 - \$31.3 MILLION REQUESTED (including funding for the Administration’s proposed Managerial Flexibility Act)**

<b>Strategic Plan Goal 1</b> <b>To consistently provide fair, timely, and efficient adjudication of cases filed with the Board</b>		
<b>Objective 1 – Issue high quality decisions</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 1.1.1</b> Maintain/reduce low percentage of cases decided by the Board on petition for review (PFR) that are reversed and/or remanded to MSPB judges for a new decision <b>FY 2002 Goal – 10 % or less</b> <b>FY 2003 Goal – 10 % or less</b>	Board, ORO/Regional Offices, ALJ	<b>FY 1999 Actual – 15 %</b> <b>FY 2000 Actual – 12 %</b> <b>FY 2001 Actual – 12.6 %</b>
<b>Goal 1.1.2 (Revised – see narrative)</b> Maintain/reduce low percentage of proposed decisions submitted by headquarters legal offices to the Board that are returned for rewrite <b>FY 2002 Goal – 12 % or less (changed from 10 % or less)</b> <b>FY 2003 Goal – 12 % or less</b>	Board, OAC, OGC, OCB	<b>FY 1999 Actual – 14 %</b> <b>FY 2000 Actual – 9 %</b> <b>FY 2001 Actual – 15 %</b>

<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 1.1.3</b> Maintain low percentage of remands to the Board from the U.S. Court of Appeals for the Federal Circuit <b>FY 2002 Goal</b> – 7 % or less <b>FY 2003 Goal</b> – 7 % or less	Board, All Legal Offices	<b>FY 1999 Actual</b> – 4 % <b>FY 2000 Actual</b> – 4 % <b>FY 2001 Actual</b> – 4 %
<b>Goal 1.1.4</b> Maintain high percentage of Board decisions unchanged on review by the U.S. Court of Appeals for the Federal Circuit (Court dismisses case or affirms Board decision) <b>FY 2002 Goal</b> – 93 % or greater <b>FY 2003 Goal</b> – 93 % or greater	Board, All Legal Offices	<b>FY 1999 Actual</b> – 93 % <b>FY 2000 Actual</b> – 96 % <b>FY 2001 Actual</b> – 96 %

<b>Objective 2 – Issue timely decisions at both the regional office and Board headquarters levels</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 1.2.1</b> Maintain average case processing time for initial decisions issued in regional offices <b>FY 2002 Goal</b> – 100 days or less <b>FY 2003 Goal</b> – 100 days or less	ORO/Regional Offices	<b>FY 1999 Actual</b> – 100 days <b>FY 2000 Actual</b> – 89 days <b>FY 2001 Actual</b> – 92 days
<b>Goal 1.2.2 (Revised – see narrative)</b> Maintain/reduce average case processing time for decisions on PFRs issued by the Board <b>FY 2002 Goal</b> – 195 days or less (changed from 190 days or less) <b>FY 2003 Goal</b> – 190 days or less	Board, OAC, OGC, OCB	<b>FY 1999 Actual</b> – 222 days <b>FY 2000 Actual</b> – 176 days <b>FY 2001 Actual</b> – 214 days
<b>Goal 1.2.3</b> Reduce average case processing time in the Office of the General Counsel for enforcement cases <b>FY 2002 Goal</b> – 150 days or less <b>FY 2003 Goal</b> – 150 days or less	Board, OGC	<b>FY 1999 Actual</b> – 206 days <b>FY 2000 Actual</b> – 206 days <b>FY 2001 Actual</b> – 224 days

<b>Objective 2 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 1.2.4</b> Reduce number of cases pending at headquarters for more than 300 days <b>FY 2002 Goal</b> – 48 cases or fewer <b>FY 2003 Goal</b> – 46 cases or fewer	Board, OAC, OGC, OCB	<b>FY 1999 Actual</b> – 77 cases (not including 15 enforcement cases) pending more than one year (365 days) at year-end <b>FY 2000 Actual</b> – 53 cases pending more than 300 days at year-end (target was lowered from 365 days to 300 days midway through FY 2000 and enforcement cases, which generally take longer to process and were not previously included, were added) <b>FY 2001 Actual</b> – 45 cases pending more than 300 days at year-end
<b>Goal 1.2.5 (New – see narrative)</b> Reduce number of enforcement cases pending at headquarters for more than 300 days <b>FY 2002 Goal</b> – 4 cases or fewer <b>FY 2003 Goal</b> – 4 cases or fewer	Board, OGC, OCB	<b>FY 1999 Actual</b> – Not applicable <b>FY 2000 Actual</b> – Not applicable <b>FY 2001 Actual</b> – Not applicable

<b>Objective 3 – Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the changes in the number of decisions issued.</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 1.3.1 (Revised – see narrative)</b></p> <p>Use video conference hearings and telephone hearings, where appropriate, to reduce case processing costs</p> <p><b>FY 2002 Goal</b> – Continue to hold video and telephone hearings in appropriate cases</p> <p><b>FY 2003 Goal</b> – Continue to hold video and telephone hearings in appropriate cases</p>	<p>ORO/Regional Offices, ALJ, FAM</p>	<p><b>FY 1999 Actual</b> – Video and telephone hearings held in appropriate cases</p> <p><b>FY 2000 Actual</b> – Video and telephone hearings held in appropriate cases</p> <p><b>FY 2001 Actual</b> – Video and telephone hearings held in appropriate cases</p>
<p><b>Goal 1.3.2</b></p> <p>Hold increase in overall average case processing costs to no more than the percentage increase in operating costs, adjusted for the changes in the number of decisions issued</p> <p><b>FY 2002 Goal</b> – \$2,820 plus percentage increase in operating costs, adjusted for the changes in the number of decisions issued.</p> <p><b>FY 2003 Goal</b> – FY 2002 dollar amount plus percentage increase in operating costs, adjusted for the changes in the number of decisions issued</p>	<p>Board, All Legal Offices</p>	<p><b>FY 1999 Actual</b> – \$2,775</p> <p><b>FY 2000 Actual</b> – \$2,876 (Adjusted)</p> <p><b>FY 2001 Actual</b> – \$2,820 (Adjusted)</p>

<b>Objective 4 – Obtain customer input regarding the adjudicatory process</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 1.4.1</b> Continue to evaluate and implement, as appropriate, suggestions received from customer surveys regarding the adjudicatory process</p> <p><b>FY 2002 Goal</b> – Continue to conduct customer surveys and implement suggestions as appropriate</p> <p><b>FY 2003 Goal</b> – Continue to conduct customer surveys and implement suggestions as appropriate</p>	Board, All Legal Offices, OPE	<p><b>FY 1999 Actual</b> – Revised PFR Form in response to suggestions from customer survey</p> <p><b>FY 2000 Actual</b> – Conducted survey on experience of parties and MSPB judges with bench decisions and video hearings</p> <p><b>FY 2001 Actual</b> – Evaluated and published results of survey on experience of parties and MSPB judges with bench decisions and video hearings; bench decisions and video hearings are now incorporated into MSPB adjudicatory procedures</p>
<p><b>Goal 1.4.2 (FY 2002 only – see narrative)</b> Evaluate suspended case pilot program to determine impact of allowing additional time for discovery and settlement efforts</p> <p><b>FY 2002 Goal</b> – Based on evaluation of pilot program and recommendations submitted to the Chairman in FY 2001, decide whether to make program permanent or discontinue it</p> <p><b>FY 2003 Goal</b> – Not applicable (Pilot program will either be made permanent or discontinued in FY 2002)</p>	OPE, ORO/Regional Offices	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Suspended case pilot program implemented</p> <p><b>FY 2001 Actual</b> – Suspended case pilot program evaluated and recommendations submitted to the Chairman—recommended making program permanent and soliciting customer comment when regulations are published</p>

New Performance Goal for FY 2003:

**Goal 1.2.5** – The Board is establishing a new goal of having no more than 4 enforcement cases pending at headquarters for more than 300 days at year-end. Despite the concentrated efforts the Board has made to close overage enforcement cases, some agencies still may delay in complying with Board orders. This goal, and the Board’s explanation if it is not met, may serve as an incentive to non-complying agencies.

Revised Performance Goals for FY 2002:

The following goals have been revised based on actual performance data for FY 2001, which was finalized in late November 2001:

**Goal 1.1.2** – This goal has been reestablished as 12 percent or less (instead of 10 percent or less) for FY 2002 and is maintained at that level for FY 2003. The percentage of “rewrites” ranged from 8 percent to 17 percent from 1995 to 2001, with no discernable explanation for the variation. The Board has reevaluated the goal established last year for FY 2002 and has concluded that there is no reason to believe that the headquarters legal offices can better the rewrite percentage in the near future. In addition, with the adjournment of the first session of the 107<sup>th</sup> Congress, the recess appointment of one Board member ended, leaving the Board with only two members. The term of one of those members expires March 1, 2002. While a Board member may serve for up to one year after the end of her term or until a successor is confirmed, whichever occurs first, there is a distinct possibility of a second vacancy midway through FY 2002. Because two new Board members may be appointed during FY 2002, it will be more difficult for the headquarters legal offices to forecast the Board members’ views on issues in cases so as to reduce the percentage returned for rewrite.

**Goal 1.2.2** – This goal has been reestablished as 195 days or less for FY 2002, and the goal of 190 days or less (previously set for FY 2002) is now the goal for FY 2003. In view of the remaining large PFR caseload, the fact that several of the decision-writing attorneys at headquarters are new to the Board, and the prospect of two new Board members and their staffs needing time to become familiar with adjudicating Board cases, the Board believes that reducing the average case processing time for decisions on PFRs by 5 days each year—from 200 days in FY 2001 to 195 days in FY 2002, and from 195 days in FY 2002 to 190 days in FY 2003—is a more realistic and responsible goal.

A minor modification has been made in the following goal:

**Goal 1.3.1** – This goal has been expanded to include the use of both video hearings *and telephone hearings*, where appropriate, to reduce case processing costs. Telephone hearings have been used by MSPB administrative judges in appropriate cases for many years. The focus in recent years has been on the agency’s use of the newer video conferencing technology, but both telephone and video hearings contribute to cost savings in case processing, so both should be reflected in this goal.



Performance Goal NOT Included in FY 2003 Plan:

**Goal 1.4.2** – This goal drops from the Performance Plan for FY 2003 because it is scheduled for completion in FY 2002. The Board decided early in FY 2002 to incorporate the suspended case procedure into the Board’s standard adjudicatory procedures.

Development of Performance Goals

As explained in the MSPB Performance Plan for FY 2001-FY 2002, the performance goals for Strategic Plan Goal 1 were developed by reviewing and evaluating historical workload data and survey results from previous customer surveys. The data on which the goals were based were determined to be indicative of decision quality, case processing efficiency, and fairness of the process. The goals were based on the following assumptions: (1) case receipts will remain fairly stable, with the usual mix of case types; (2) staff resources will remain relatively constant; and (3) adequate funding will be provided by Congress.

With respect to Objective 1, case processing data for the previous 5 years was reviewed to determine the ranges of results achieved during that period. The percentage of cases decided by the Board on petition for review (PFR) that were reversed and/or remanded to MSPB judges, for example, ranged from 10 percent to 15 percent during the 5-year period (excluding FY 1998, when the initial decisions in a large number of consolidated retirement appeals involving entitlement to law enforcement officer credit were reversed). While the reversal/remand rate is one indicator of the quality of decisions issued by MSPB administrative judges, it should be noted that it is not a perfect measure of decision quality. A reversal or remand may be required by the enactment of a new law or the issuance of a new precedential decision by the Board or the U.S. Court of Appeals for the Federal Circuit *after* the administrative judge issued his or her initial decision. In such instances, the reversal or remand should not generally be considered a reflection on the quality of the administrative judge’s decision. For example, the court’s case law with respect to issues concerning retirement appeals relating to law enforcement officers is not yet settled, and remands are a natural result of developing law.

As explained above, the goal established with respect to the percentage of proposed decisions returned by the Board to a headquarters legal office for rewrite also reflects the range of results achieved in the previous 5 years. Cases returned for rewrite (further action on the proposed decision) include both those the Board sends back with a Rewrite Instruction and those where the Board makes LAN edits (so called because the Board members rewrite or edit proposed decisions using the headquarters local area network and, by doing so, reduce processing time for additional review) and returns the case to the originating office for review. Rewrites may reflect a disagreement with the proposed decision and/or its analysis, a direction to explore alternative approaches or to conduct further research and analysis, an announcement of a change in policy, or a direction to undertake settlement efforts. The Board believes that the fact that rewrites occur indicates a healthy exchange of ideas between the Board members and their legal offices, encouraging the intellectual analytical review crucial to a vital legal organization.

The goals established with respect to review of final Board decisions by the U.S. Court of Appeals for the Federal Circuit likewise reflect the ranges of results in the previous 5 years. These ranges are consistent with earlier historical data and are considered normal variations.

Case processing data for the same 5-year period was reviewed with respect to Objective 2. During that period, the average time to process cases in the regional offices ranged from 89 days to 108 days, and the average time to process PFRs at headquarters ranged from 121 days to 222 days.

Case processing time in the regional offices is affected by a number of factors, including normal variations in case receipts from year to year, substantial increases in receipts that result from major downsizing by agencies, the number of cases presenting similar issues that can be consolidated for processing, and the number of cases that raise issues of first impression—especially when legislation is enacted that makes new matters appealable to the Board or extends appeal rights to additional employees. During the early 1990s, for example, the average case processing time in the regional offices initially increased for several years as a result of the influx of appeals arising from the Postal Service restructuring. As the regional offices completed the Postal Service cases and worked through the backlog, the average processing time began to come down again. In the mid to late 1990s, Congress twice changed the law with respect to appeals from Federal Aviation Administration employees. Congress also amended the Whistleblower Protection Act in 1994 and is considering further changes to the Act in the current Congress. The goal of 100 days or less for case processing in the regional offices is considered a reasonable expectation for a year in which receipts are at a normal level.

The average case processing time at the Board's headquarters is affected by the same external factors as cases processed in the regional offices. In addition, other factors come into play, such as vacancies on the 3-member Board. While cases in the regional offices are decided by about 70 administrative judges, virtually all of the cases closed at headquarters (almost 1,400 in FY 2001) are decided by the 3-member Board. As explained above, the recess appointment of one Board member ended with the adjournment of the first session of the 107<sup>th</sup> Congress, leaving the Board with only two members. The term of one of those members expires March 1, 2002. While a Board member may serve for up to one year after the end of her term or until a successor is confirmed, whichever occurs first, there is a distinct possibility of a second vacancy midway through FY 2002. Achievement of the case processing goals at headquarters, therefore, will depend to a great extent on these vacancies being filled.

Certain initiatives in recent years have reduced the average processing time for PFRs. Under the Expedited PFR Processing Pilot Program, for example, PFRs that can be disposed of quickly with a short form decision are identified after docketing in OCB, and—rather than being transferred to OAC for assignment to an attorney in that office—an OAC attorney detailed to OCB prepares a proposed decision and sends it directly to the Board. Board initiatives to close overage pending cases, however, can be expected to result in an increase in the average processing time because that average increases in any year in which a large number of overage cases are closed. The Board has placed greater emphasis on closing overage cases in the past two years. It first targeted cases over a

year old, but once a significant reduction in the number of such cases was achieved, the target was lowered midway through FY 2000 to cases over 300 days old. In addition, enforcement cases, which previously had not been included in the initiative, were added.

Given the range of average processing times that can result from the interaction of the factors discussed above, the Board has set goals for FY 2002 and FY 2003 that take these factors into account but also continue to provide encouragement to the headquarters legal offices to make special efforts to reduce processing times.

Enforcement cases have generally taken longer in the past to process than some other cases at headquarters because an enforcement case cannot be closed until the Board makes a final determination that compliance with the Board's order in the original merits case has been achieved. While an enforcement case is pending, OGC attorneys usually must make several phone calls to the parties to discuss compliance. They must review the evidence of compliance submitted by the allegedly non-complying party and the responses of the other party, and often must prepare several orders for issuance by the Board in the course of the proceeding. In FY 2000, the processing of enforcement cases was targeted for improvement, and the number of such cases over a year old was reduced substantially. One of the methods OGC employed to close old enforcement cases was to hold meetings with processing agencies such as the Defense Finance & Accounting Service (DFAS), the National Finance Center (NFC), and the Postal Service to expedite documentation of compliance with Board orders. These meetings resulted in DFAS and NFC providing checklists of documents an agency must submit before the agency can process payments. Those checklists have been shared with the Postal Service and have been placed on the MSPB Web site. OGC is also exploring ways to make better use of the Board's statutory sanctions authority in the most egregious cases of non-compliance. As explained above, the Board has added one new goal with respect to enforcement cases (no more than 4 enforcement cases pending over 300 days at year-end).

With respect to Objective 3, the goals for average case processing cost were set based on historical trends, with primary consideration given to the effect of annual increases in the operating costs that most affect case processing—salaries and benefits, travel expenses, and the cost of court reporting services. Normal year-to-year variations in the number of cases processed affect the average case processing cost because the Board does not lay off staff when the caseload goes down nor does it hire additional staff when the caseload is up. (For example, the average case processing cost in FY 1995 decreased substantially because a large number of cases arising from the Postal Service restructuring were consolidated for processing and closed rather quickly.) Furthermore, to do so would be both inefficient and costly, given the costs and time involved in hiring and training new employees and the costs and morale problems associated with terminating employees. Therefore, in setting performance goals for future years, the Board has developed an adjustment factor that takes year-to-year variations in the number of cases processed into account. The adjustment factor also recognizes that the MSPB is currently implementing various components of its information technology initiative, which is increasing costs in the short-term, and amortizes those capital costs over a 4-year period.

### Responsibilities

The responsibility for meeting these performance goals rests principally with the Board members and the MSPB legal offices, including administrative judges in the regional offices, attorneys in the headquarters legal offices, and support staff in both. The Expedited PFR Pilot Program is being managed by OCB, with the proposed decisions being written by OAC attorneys detailed to OCB on a rotating basis. Following the retirement of the Board's Administrative Law Judge (ALJ) in January 2001, the MSPB contracted with the National Labor Relations Board (NLRB) for adjudicatory services in cases that must be heard by an ALJ. Such cases are now adjudicated by ALJs at the NLRB, with a MSPB attorney providing liaison services.

The Chairman will assign targets for individual offices to meet, where appropriate, and through the Chief of Staff, Chief Counsels, and the other Board members, will monitor their progress. The Board members determine the target for processing in the Board offices. For example, the target case processing times for PFRs at headquarters, by office, for FY 2002 are:

OCB (Initial Processing)	35 days
OAC (or OGC in some cases)	119 days
Board Members	38 days
OCB (Final Processing)	<u>3 days</u>
Total	195 days

The responsibility for conducting customer surveys rests with OPE. The MSPB has received limited approval from OMB under the Paperwork Reduction Act to conduct periodic customer surveys.

The responsibility for tracking case processing costs rests with FAM.

#### Performance Measurement

The MSPB will measure its achievement of these goals primarily through data obtained from the agency's case management system (CMS), including data on remands, rewrites, case processing times, and the outcomes of court decisions. By monitoring this data on a regular basis, the Chairman, Chief of Staff, MSPB managers, and attorneys by self-managing their cases can determine whether the agency is on track to meet the goals. In addition to this quantitative data, managers of the legal offices will make qualitative assessments of decisions written by administrative judges and headquarters attorneys to ensure that decision quality standards are being applied consistently throughout the agency.

Data on case processing costs is developed by FAM using both case processing data from CMS and agency financial data. The agency focuses on specific components of case processing where costs can be reduced, such as the cost of administrative judges traveling to and conducting hearings—a cost that can be reduced through the appropriate use of video or telephone hearings, where consistent with fairness in the adjudicatory process.

Despite reductions in component costs where they can be achieved, the average case processing cost is expected to rise. Over 70 percent of MSPB case processing costs are accounted for by staff salaries and benefits, which increase annually (e.g., 4.6 % in January 2002). Much of the remainder goes for travel by MSPB judges to conduct hearings and the cost of court reporting services—both costs that also increase annually. Therefore, the focus with respect to the average case processing cost is to hold annual increases to a percentage that is no more than the annual percentage increase in operating costs, adjusted for the year-to-year variations in the number of cases processed and for the cost of the information technology initiative.

Customer surveys involving case adjudication will be initiated by the Board or the Chairman and will be conducted by OPE. That office will evaluate responses and provide survey results to the Board, Chief of Staff, and managers of the legal offices.

<b>Strategic Plan Goal 2</b> <b>To make effective use of alternative methods of dispute resolution in Board proceedings and to promote through education, outreach, and other appropriate means the use of alternative methods of dispute resolution and avoidance in the early stages of a dispute</b>		
<b>Objective 1 – Continue the successful use of alternative dispute resolution (ADR) procedures in MSPB proceedings at both the regional office and Board headquarters levels</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 2.1.1</b> Maintain rate of settlement of initial appeals that are not dismissed at 50 % or higher <b>FY 2002 Goal</b> – 50 % or higher <b>FY 2003 Goal</b> – 50 % or higher	ORO/Regional Offices	<b>FY 1999 Actual</b> – 53 % <b>FY 2000 Actual</b> – 55 % <b>FY 2001 Actual</b> – 57 %
<b>Goal 2.1.2</b> Maintain rate of settlement of cases selected for PFR Settlement Program at 25 % or higher <b>FY 2002 Goal</b> – 25 % or higher <b>FY 2003 Goal</b> – 25 % or higher	OAC	<b>FY 1999 Actual</b> – 27 % <b>FY 2000 Actual</b> – 24 % <b>FY 2001 Actual</b> – 27 %

<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 2.1.3</b> Calculate savings in case processing costs attributable to settlement programs</p> <p><b>FY 2002 Goal</b> – Using methodology for calculating what case processing costs would have been absent MSPB settlement programs (developed in FY 2001), calculate estimate of cost savings</p> <p><b>FY 2003 Goal</b> – Same as in FY 2002</p>	<p>ORO/Regional Offices, OAC, FAM</p>	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Not applicable</p> <p><b>FY 2001 Actual</b> – Methodology for calculating what case processing costs would have been absent MSPB settlement programs was developed and tested; annual cost savings calculated to be approximately \$4.2 million</p>
<p><b>Goal 2.1.4 (New – see narrative)</b> Respond promptly to customer inquiries regarding the PFR Settlement Program</p> <p><b>FY 2002 Goal</b> – Respond to inquiries within 3 days or less</p> <p><b>FY 2003 Goal</b> – Respond to inquiries within 3 days or less</p>	<p>OAC</p>	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Not applicable</p> <p><b>FY 2001 Actual</b> – Not applicable</p>

<b>Objective 2 – Promote the use of ADR procedures in the early stages of a dispute in order to resolve appealable matters at the lowest practicable level and reduce the costs of conflict</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 2.2.1 (Revised – see narrative)</b>  <u>If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is enacted in FY 2002 and funds are appropriated for FY 2003:</u>            Implement voluntary early intervention ADR pilot program  <b>FY 2002 Goal</b> – Continue work of ADR Working Group with respect to ADR training, outreach, and other implementation matters  <b>FY 2003 Goal</b> – Establish pilot program, issue implementing regulations, conduct training, conduct outreach, establish criteria for evaluation, accept cases into the program, conduct interim evaluation, and make adjustments in program as necessary</p>	Chairman, All Legal Offices, OPE	<p><b>FY 1999 Actual</b> – Not applicable  <b>FY 2000 Actual</b> – Not applicable  <b>FY 2000 Actual</b> – Not applicable (but see results for FY 2001 under Goal 2.2.3)</p>



<b>Objective 2 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 2.2.2 (Revised – see narrative)</b></p> <p><u>If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is enacted in FY 2002 and funds are appropriated for FY 2003:</u></p> <p>Develop a well regarded capability to fully participate in ADR case work, which is used by appellants and agencies, and results in less litigation</p> <p><b>FY 2002 Goal</b> – Not applicable</p> <p><b>FY 2003 Goal</b> – After program has been implemented, review case processing data periodically and evaluate to determine whether program is reducing the number of appeals filed with the Board</p>	<p>Chairman, ORO/Regional Offices, FAM</p>	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Not applicable</p> <p><b>FY 2001 Actual</b> – Not applicable</p>

Objective 2 (continued)		
Performance Goals	Component	Experience
<p><b>Goal 2.2.3</b></p> <p><u>If legislation authorizing the MSPB to conduct voluntary early intervention ADR pilot program is NOT enacted:</u></p> <p>Conduct outreach focused on agency decision makers, emphasizing the benefits of early use of ADR and providing information on both the Board's ADR initiatives and other ADR processes that are available</p> <p><b>FY 2002 Goal</b> – Incorporate ADR techniques into current settlement programs; continue work of ADR Working Group with respect to ADR training, outreach, and other implementation matters; within available resources, continue to emphasize benefits of early use of ADR through outreach activities; work with OPM to obtain better access to agency decision makers to discuss benefits of ADR; coordinate outreach on ADR directly with agencies and with OSC, FLRA, and EEOC</p> <p><b>FY 2003 Goal</b> – Same as in FY 2002</p>	Chairman, All Legal Offices	<p><b>FY 1999 Actual</b> – Assisted in training agency personnel to recognize and attempt to resolve disputes in their early stages; promoted MSPB ADR initiatives and processes in such forums as the Federal Dispute Resolution Conference, OPM executive training seminars, Public Administration Forum training, Employee Law Institute training, and Federal radio talk show</p> <p><b>FY 2000 Actual</b> – Same as in FY 1999</p> <p><b>FY 2001 Actual</b> – Conducted mediation training at MSPB Legal Conference; continued to promote ADR through various outreach appearances by MSPB officials; established ADR Working Group, which met with ADR experts, prepared statement of work for mediation training and development of an ADR program, and selected contractor</p>

<b>Objective 3 – Provide governmentwide leadership in the use of ADR to resolve Federal personnel disputes</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 2.3.1 (Revised – see narrative)</b> Conduct customer surveys, with OMB approval, to determine awareness of MSPB ADR initiatives and use of MSPB-provided ADR services <b>FY 2002 Goal</b> – Not applicable <b>FY 2003 Goal</b> – Extent of customer survey contingent on enactment of ADR legislation	OPE	<b>FY 1999 Actual</b> – Not applicable <b>FY 2000 Actual</b> – Not applicable <b>FY 2001 Actual</b> – Not applicable

New Performance Goal for FY 2003:

**Goal 2.1.4** – In accordance with the Administration’s management initiative relating to customer-based Government, a new goal has been added to require that initial inquiries concerning the PFR Settlement Program be responded to within 3 business days.

Revised Performance Goals for FY 2002:

The following goals have been revised because they were contingent on the enactment of legislation during FY 2001, and such legislation was not enacted during the first session of the 107<sup>th</sup> Congress:

**Goals 2.2.1, 2.2.2, and 2.3.1** – Although legislation to authorize the MSPB to conduct a voluntary early intervention ADR pilot program was introduced in the first session of the 107<sup>th</sup> Congress (H.R. 1965), it has not been enacted. Therefore, for each of these goals, the targets previously established for FY 2001 have been moved to FY 2002, and those previously established for FY 2002 become the targets for FY 2003.

### Development of Performance Goals

As explained in the MSPB Performance Plan for FY 2001-FY 2002, the performance goals for Strategic Plan Goal 2, with respect to the use of ADR in Board proceedings, were developed by reviewing and evaluating historical workload data. The data on which these goals were based were determined to be indicative of the Board's success in using ADR to resolve cases filed with the MSPB, both at the regional and headquarters levels. These goals were based on the assumption that the MSPB will continue to maintain a corps of trained legal staff with the skill to promote acceptance of ADR by the parties.

With respect to promoting the use of ADR in the early stages of a dispute, goals were developed using two alternative assumptions: (1) that legislation authorizing the Board to conduct a 3-year pilot program for voluntary early intervention ADR in personnel disputes will be enacted in FY 2002 and funds appropriated for FY 2003; and (2) that such legislation will NOT be enacted.

If legislation is enacted and funds are appropriated so that the program can begin in FY 2003, the Board will proceed with implementation and evaluation. As the program proceeds, the Board will review its case processing data periodically and evaluate it to determine whether the program is reducing the number of appeals filed with the Board. Once the program has been implemented, the Board also intends to conduct customer surveys to determine awareness of MSPB ADR initiatives and use of MSPB-provided ADR services, including the voluntary early intervention ADR program.

If legislation (including funding) is not enacted, the Board will continue its efforts in FY 2002, insofar as its resources permit, to promote through education, outreach, and other appropriate means the advantages of using ADR in the early stages of personnel disputes, focusing on agency decision makers. The Board will work with OPM to obtain better access to agency decision makers to discuss the benefits of early use of ADR. The Board will also coordinate its outreach on ADR directly with agencies and with OSC, FLRA, and EEOC. During FY 2001, the Board established an ADR Working Group, which met with ADR experts, prepared a statement of work for mediation training and development of an ADR program, and selected a contractor. Training for MSPB employees in mediation and other ADR techniques will be conducted during FY 2002. The Board will also continue to plan for the possible enactment of legislation authorizing an early intervention ADR pilot program. If the legislation has not been enacted by FY 2003, the Board will continue, within available resources, to emphasize the benefits of early use of ADR through its outreach activities.

### Responsibilities

The responsibility for meeting the performance goals with respect to the use of ADR in Board proceedings rests principally with the Board members, Chief of Staff, ORO (including the regional offices), OAC (the office that conducts the PFR Settlement Program at headquarters), and support staff. The responsibility for outreach and education with respect to ADR rests with the Board and all legal

offices. Should legislation authorizing the pilot program for voluntary early intervention ADR be enacted, the MSPB would hire additional staff, but would also rely on personnel in its legal offices to assist in establishing the program, conducting training and outreach, and serving as mediators in cases submitted to the program.

The responsibility for conducting customer surveys rests with OPE. Should legislation authorizing the pilot program for voluntary early intervention ADR be enacted, OPE will also be responsible for establishing evaluation criteria and conducting the evaluation of the pilot program.

The responsibility for calculating the impact of the Board's settlement programs on case processing costs rests with FAM, with the assistance of the legal offices involved in the programs.

#### Performance Measurement

The MSPB will measure its achievement of the goals for use of ADR in Board proceedings primarily through data obtained from the agency's case management system (CMS), including data on numbers and types of cases processed and numbers of cases settled. By monitoring this data on a regular basis, the Chairman, Chief of Staff, and MSPB managers can determine whether the agency is on track to meet the goals. With respect to the goal of calculating savings in case processing costs attributable to MSPB settlement programs, FAM has developed a methodology for making these calculations, using both case processing data from CMS and agency financial data. Insofar as possible, FAM will also attempt to calculate the savings to Federal agencies attributable to these programs.

Should the legislation authorizing the pilot program for voluntary early intervention ADR be enacted, it will be evaluated by OPE as required by the legislation. Among the factors likely to be considered in the evaluation are the numbers and types of cases accepted into the program, the results achieved (whether the dispute is resolved satisfactorily or not), the effect of using different ADR methods on results achieved, the cost savings for the parties to the disputes, and the impact on the Board's receipt of new cases.

Customer surveys will be conducted by OPE, and that office will evaluate responses and provide survey results to the Board, Chief of Staff, and managers of the legal offices.

**BUDGET ACTIVITY: MERIT SYSTEMS STUDIES – STRATEGIC PLAN GOAL 3 - \$1.1 MILLION REQUESTED**  
**(including funding for the Administration’s proposed Managerial Flexibility Act)**

<b>Strategic Plan Goal 3</b> <b>To provide information, analyses, and recommendations on Federal personnel programs, policies, and initiatives to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management</b>		
<b>Objective 1 – Conduct governmentwide merit systems studies that provide information on, and analyses of, the state of Federal merit systems and the Federal workforce to policymakers, Federal agencies and employees, and others with an interest in Federal human resources management; and make recommendations for improving the Federal Government’s ability to implement and maintain effective human resources management programs, policies, and practices that adhere to the merit system principles</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 3.1.1</b> Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations  <b>FY 2002 Goal</b> – Continue to conduct program of merit systems studies that provide useful data, analyses, and recommendations; publish 4 major reports and 4 issues of newsletter  <b>FY 2003 Goal</b> – Same as in FY 2002	Board, OPE	<b>FY 1999 Actual</b> – Conducted ongoing program of merit systems studies, including issuance of 2 major reports and 4 editions of newsletter, and responses to more than 200 individual and institutional requests for data runs, advisory assistance, and other studies-related information  <b>FY 2000 Actual</b> – See next page  <b>FY 2001 Actual</b> – See next page

<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 3.1.1 (continued)</b></p> <p>Conduct studies of relevant human resources management issues in the Federal Government and issue reports with relevant recommendations</p>	Board, OPE	<p><b>FY 2000 Actual</b> – Conducted ongoing program of merit systems studies, including issuance of 2 major reports and 5 editions of newsletter; responded to about 250 individual and institutional requests for data runs, advisory assistance and other studies-related information</p> <p><b>FY 2001 Actual</b> – Conducted ongoing program of merit systems studies, including issuance of 1 major study report and 4 editions of newsletter (3 additional major study reports were completed and submitted to the Board for approval); responded to about 250 individual and institutional requests for data runs, advisory assistance and other studies-related information</p>

<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 3.1.2</b></p> <p>Ensure that reports of studies are made widely available, particularly to target audiences, and disseminate findings through such means as personal appearances, personal contacts, publication of articles by OPE staff, and collaboration with other research organizations to increase impact of studies</p> <p><b>FY 2002 Goal</b> – Combined total of 60,000 copies of studies-related products to be distributed in printed form and downloaded from the MSPB Web site and other Web sites; maintain level of presentations, published articles, and ongoing contacts; compile list of outreach activities conducted</p> <p><b>FY 2003 Goal</b> – Same as in FY 2002</p>	OPE	<p><b>FY 1999 Actual</b> – Approximately 15,800 copies of reports and newsletters distributed; estimated 30,000 downloads from the MSPB Web site and other Web sites; approximately 20 formal presentations made to groups; 4 articles by OPE staff published in professional journals; ongoing contacts with appropriate individuals and organizations maintained</p> <p><b>FY 2000 Actual</b> – Approximately 12,000 copies of reports and newsletters distributed; estimated 35,000 downloads from the MSPB Web site and other Web sites; over 30 formal presentations made to groups; 3 articles by OPE staff published in professional journals; ongoing contacts similar to FY 1999</p> <p><b>FY 2001 Actual</b> – More than 55,000 copies of reports and newsletters distributed in printed form and downloaded from the MSPB Web site and other Web sites; over 30 formal presentations made to groups; more than 500 discussions with individuals</p>



<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 3.1.3 (Revised – see narrative)</b></p> <p>Evaluate impact of studies through feedback from customer surveys, including formal surveys every 2 to 3 years, informal surveys (e.g., focus groups), and volunteered feedback (e.g., letters and e-mailed comments)</p> <p><b>FY 2002 Goal</b> – Conduct formal survey that repeats key questions of earlier customer surveys</p> <p><b>FY 2003 Goal</b> – Evaluate responses to survey; earn 85 % or higher approval rating; and implement improvement efforts as appropriate</p>	OPE	<p><b>FY 1999 Actual</b> – Results of formal customer survey published; results showed 85 % or better agreement on key questions of relevance, usefulness, and practicality of findings and recommendations in studies</p> <p><b>FY 2000 Actual</b> – Informal survey results and volunteered feedback remained positive</p> <p><b>FY 2001 Actual</b> – Submitted request for blanket authority to conduct customer surveys to OMB and received approval; submitted survey instrument to OMB for review</p>

<b>Objective 1 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 3.1.4</b></p> <p>Evaluate impact of studies through other appropriate means, such as tracking use of recommendations and tracking references to studies in policy papers, professional literature, and the media</p> <p><b>FY 2002 Goal</b> – Recommendations in studies are used and opinion makers cite them in policy papers, professional literature, and the media</p> <p><b>FY 2003 Goal</b> – Same as in FY 2002</p>	OPE	<p><b>FY 1999 Actual</b> – MSPB studies continued to have large and positive impact, as measured by references in professional literature, media, and respected research organizations</p> <p><b>FY 2000 Actual</b> – Same as in FY 1999</p> <p><b>FY 2001 Actual</b> – List of citations and references to MSPB studies and recommendations by Congress, GAO, NAPA, the professional literature, the media, and other credible sources was developed, indicating that MSPB studies continued to have large and positive impact</p>

<b>Objective 2 – Determine through merit systems studies the extent to which Executive Branch departments and agencies operate in a manner consistent with the statutory merit system principles and the extent to which prohibited personnel practices occur in the Federal workplace</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 3.2.1 (Revised – see narrative)</b>            Conduct a triennial Merit Principles Survey, including questions intended to determine whether agencies adhere to the merit system principles and the extent to which prohibited personnel practices occur in the workplace, and report findings</p> <p><b>FY 2002 Goal</b> – Issue report on 2000 Merit Principles Survey  <b>FY 2003 Goal</b> – Conduct Merit Principles Survey</p>	Board, OPE	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Merit Principles Survey conducted; analyzing and evaluating results begun</p> <p><b>FY 2001 Actual</b> – Completed analyzing and evaluating results of the 2000 Merit Principles Survey; released findings through the <i>Issues of Merit</i> newsletter and OPE staff presentations and discussions</p>

Revised Performance Goals for FY 2002:

The following goals have been revised based on actual results in FY 2001:

**Goal 3.1.3** – Because the planned customer survey was not conducted in FY 2001, this goal has been revised to show that the survey will be conducted in FY 2002. (Evaluation of the survey results and implementation of appropriate improvement efforts will take place in FY 2003.)

**Goal 3.2.1** – Because the final report on the 2000 Merit Principles Survey was not issued in FY 2001, this goal has been revised to show issuance of the report in FY 2002.

### Development of Performance Goals

As explained in the MSPB Performance Plan for FY 2001-FY 2002, the performance goals for Strategic Plan Goal 3 were developed by reviewing and evaluating historical data on MSPB studies and survey results from previous customer surveys. The data on which the goals were based were determined to be indicative of the extent to which MSPB studies fulfill their statutory purpose of ensuring that Federal agencies operate in accordance with the merit system principles and that Federal merit systems are kept free from prohibited personnel practices. (Prior to May 15, 2000, the Board was also required by 5 U.S.C. § 1206 to conduct an annual review of the significant actions of OPM and report its findings to the President and Congress; that requirement was terminated on May 15, 2000, under the “sunset” provisions of the Federal Reports Elimination and Sunset Act, Public Law 104-66, as amended by Public Law 106-113. The Board may continue to review certain OPM actions in connection with studies it conducts under the authority of 5 U.S.C. § 1204(a)(3).) The goals were based on the following assumptions: (1) staff resources will remain relatively constant; and (2) adequate funding will be provided by Congress.

### Responsibilities

The responsibility for meeting these performance goals rests principally with the OPE staff. OPE is responsible for coordinating with other agencies that conduct research on civil service matters, primarily GAO and OPM, in order to avoid duplicative efforts. The Board approves all proposals for merit systems studies and also approves the final reports before issuance.

### Performance Measurement

The MSPB will measure its achievement of these goals through measuring how the recommendations in its studies are used. The MSPB will also measure its achievement of these goals through such quantitative means as tracking the number of studies being conducted, the number of reports issued, the number of reports distributed in print and electronic form, the number of issues of the OPE newsletter published, and the number of reports requested. Personal appearances, published articles by OPE staff, and other contacts that are conducted to disseminate findings from and increase the impact of MSPB studies will also be tracked. Additionally, OPE staff will review the media and professional literature to identify instances where opinion makers cite MSPB studies as authoritative sources of information or analyses. The MSPB will also monitor agency and congressional actions that reflect the impact of the information, analyses, and recommendations derived from the studies. Finally, OPE will conduct periodic customer surveys and focus groups to obtain customer feedback.

**BUDGET ACTIVITY: MANAGEMENT SUPPORT – STRATEGIC PLAN GOALS 4 & 5 - \$3.7 MILLION REQUESTED**  
**(including funding for the Administration’s proposed Managerial Flexibility Act)**

<b>Strategic Plan Goal 4</b> <b>To strengthen the MSPB’s internal systems and processes to support a continually improving, highly effective and efficient organization with the flexibility to meet program needs</b>		
<b>Objective 1 – Develop and implement a MSPB strategic plan, with appropriate annual performance goals, objectives and measures, to direct individual and organizational efforts</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 4.1.1</b> Develop and submit strategic plan and performance plans that meet the requirements of GPRA and are satisfactory to OMB and the Congressional committees with jurisdiction over the MSPB; assess performance in relation to performance goals <b>FY 2002 Goal</b> – Submit Performance Plan for FY 2002 (revised) and FY 2003 that meets the requirements of GPRA and satisfies OMB and Congressional committees with jurisdiction over the MSPB; assess performance (FY 2001 Performance Report) <b>FY 2003 Goal</b> – Submit Performance Plan for FY 2003 (revised) and FY 2004 that meets the requirements of GPRA and satisfies OMB and Congressional committees with jurisdiction over the MSPB; assess performance (FY 2002 Performance Report)	Chairman, Chief of Staff, FAM – based on plans developed by All Offices	<b>FY 1999 Actual</b> – Submitted FY 2000 Performance Plan (as part of FY 2000 Budget Justification); discussed with OMB <b>FY 2000 Actual</b> – Submitted revised FY 2000 Performance Plan and FY 2001 Performance Plan; submitted FY 1999 Performance Report; began major revision of Strategic Plan <b>FY 2001 Actual</b> – Completed and submitted revised Strategic Plan, FY 2001-2006; submitted Performance Plan for FY 2001- FY 2002; submitted FY 2000 Performance Report

<b>Objective 2 – Allocate resources in support of mission requirements with flexibility to meet changes in workload and agency priorities</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.2.1</b> Coordinate requirements of all offices, determine priorities, and allocate appropriated funds so that mission requirements are met; make interim changes as necessary to respond to changes in workload and other external factors</p> <p><b>FY 2002 Goal</b> – Determine priorities and allocate resources to meet mission requirements and goals of Performance Plan; meet with senior staff regularly to review progress; require senior staff to submit business plans for FY 2003</p> <p><b>FY 2003 Goal</b> – Determine priorities and allocate resources to meet mission requirements and goals of Performance Plan; meet with senior staff regularly to review progress; require senior staff to submit business plans for FY 2004</p>	Chairman, Chief of Staff, FAM	<p><b>FY 1999 Actual</b> – Resources allocated and mission requirements met</p> <p><b>FY 2000 Actual</b> – Resources allocated and mission requirements met; senior staff required to submit business plans for FY 2001</p> <p><b>FY 2001 Actual</b> – Resources allocated and mission requirements met; mid-year reviews held; senior staff submitted business plans for FY 2002, and some were subsequently revised</p>

<b>Objective 3 – Develop and implement an integrated and updated automated agency-wide case management system to assist in effective case processing, management, and program evaluation</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.3.1 (Revised – see narrative)</b> Implement new case management system (Law Manager) as part of information technology initiative</p> <p><b>FY 2002 Goal</b> – Implement Law Manager; make adjustments as necessary, based on user experiences</p> <p><b>FY 2003 Goal</b> – Make enhancements to Law Manager to better integrate with other systems and provide more capabilities to end-users, particularly administrative judges, attorneys, and managers</p>	Chairman, Chief of Staff, OCB, IRM, FAM	<p><b>FY 1999 Actual</b> – General requirements for new case management system developed; vendors evaluated and Law Manager selected as new case management system</p> <p><b>FY 2000 Actual</b> – Detailed requirements finalized and work with vendor begun; first prototype delivered</p> <p><b>FY 2001 Actual</b> – Prototype tested and adjusted</p>

<b>Objective 4 – Develop and implement electronic case filing to allow appellants and agencies to file and receive documents electronically</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.4.1</b></p> <p>Continue implementation of electronic case filing, as part of information technology initiative, so that parties will be able to file and receive case documents electronically by October 2003, as required by the Government Paperwork Elimination Act (GPEA)</p> <p><b>FY 2002 Goal</b> – Make adjustments in document management system as necessary, based on user experiences; implement pilot electronic filing system</p> <p><b>FY 2003 Goal</b> – Expand pilot electronic filing system, based on user experiences, and offer additional services to customers using the Internet in order to comply with the Government Paperwork Elimination Act by October 2003</p>	<p>Chairman, Chief of Staff, OCB, IRM, FAM</p>	<p><b>FY 1999 Actual</b> – Detailed requirements developed; vendors evaluated and DocsOpen selected as document management system</p> <p><b>FY 2000 Actual</b> – Document management and document assembly systems implemented</p> <p><b>FY 2001 Actual</b> - Adjustments made in document management and document assembly systems to provide interface with Law Manager and Lotus Notes; fill-in versions of Appeal Form and PFR Form developed and placed on Web site; work on revising Appeal Form to provide basis for on-line electronic appeals process begun; Action Plan for implementation of on-line electronic appeals process developed and distributed internally; meeting with potential contractors to develop on-line electronic appeals process begun</p>



<b>Objective 5 – Improve electronic access via the Internet and other available resources to MSPB case-related decisions, procedures and guidance</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.5.1</b> Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB Web site; provide information to customers in electronic form when requested</p> <p><b>FY 2002 Goal</b> – Continue to provide all information as before on the MSPB Web site and add new information in response to customer needs; continue to provide information to customers in electronic form when requested</p> <p><b>FY 2003 Goal</b> – Continue to provide all information as before on the MSPB Web site and add new information in response to customer needs; continue to provide information to customers in electronic form when requested</p>	Chairman, Chief of Staff, OCB, IRM	<p><b>FY 1999 Actual</b> – The MSPB Web site (launched in 1994) continued to provide access to final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information; information provided to customers in electronic form when requested</p> <p><b>FY 2000 Actual</b> – Redesigned MSPB Web site launched; continued to provide all information as before, but new search tool for Board decisions included, and link to GPO Access files of Board regulations replaced by MSPB files that are continuously updated as regulations are revised; information provided to customers in electronic form when requested</p> <p><b>FY 2001 Actual</b> – See next page</p>

<b>Objective 5 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 4.5.1 (continued)</b> Make final Board decisions, reports and other publications, the MSPB Appeal Form and other forms, Board regulations, the OPE newsletter, and other information available on the MSPB Web site; provide information to customers in electronic form when requested	Chairman, Chief of Staff, OCB, IRM	<b>FY 2001 Actual</b> – Began adding final precedential Board decisions issued from inception of MSPB (1979) to 1994 to the decisions database on the MSPB Web site; testing of listservs for decisions and studies completed and implementation begun; fill-in versions of Appeal Form and PFR Form developed and placed on Web site; conversion to electronic distribution of decisions to publishers completed; information provided to customers in electronic form when requested

<b>Objective 6 – Identify, test, and implement, as appropriate, new technologies that will increase efficiency, reduce costs, and improve customer service</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.6.1 (Revised – see narrative)</b> Stay abreast of changes in technology and continue to assess all agency operations to determine where new or improved technologies have the potential to increase efficiency, reduce costs, and improve customer service; analyze costs and benefits; implement where practicable</p> <p><b>FY 2002 Goal</b> – Convert ORACLE databases and Lotus Notes to UNIX servers from Windows NT; provide additional capabilities to end-users through release 5 of Lotus Notes; continue to evaluate network performance and make recommendations for improvements as needed</p> <p><b>FY 2003 Goal</b> – Continue to evaluate new technologies and new releases of products currently in use</p>	Chairman, Chief of Staff (CIO), IRM, FAM	<p><b>FY 1999 Actual</b> – Provided scanners to all MSPB locations; began evaluation of laptop/docking station technology</p> <p><b>FY 2000 Actual</b> – Provided new PCs to all employees, including laptop/docking station PCs to flexiplace employees; implemented new versions of Netware, MS Windows, MS Word (WORD '97), and Zen Works (remote software distribution)</p> <p><b>FY 2001 Actual</b> - Lotus Notes 5 evaluated and implementation approved—implementation scheduled for Spring 2002; network study completed and enhancements begun—headquarters upgrades completed</p>

<b>Objective 6 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 4.6.2 (New – see narrative)</b></p> <p>Continue to make improvements in information technology security program</p> <p><b>FY 2002 Goal</b> – Develop security plan for major systems; update risk analysis and develop service continuity plan for major systems; provide security awareness training to all employees; provide additional computer security training to 2 IRM employees</p> <p><b>FY 2003 Goal</b> – Provide security awareness training to all staff; revise security plans to include expanded services available under electronic filing; continue to monitor security breaches and to implement new security provisions as needed</p>	<p>Chairman, Chief of Staff (CIO), IRM, FAM</p>	<p><b>FY 1999 Actual</b> – Not applicable</p> <p><b>FY 2000 Actual</b> – Not applicable</p> <p><b>FY 2001 Actual</b> – Not applicable</p>

New Performance Goal for FY 2003:

**Goal 4.6.2** – This new goal for improving the agency’s information technology security program has been added in accordance with OMB instructions relating to implementation of the Government Information Security Reform Act (GISRA).

Revised Performance Goals for FY 2002:

The following goal has been revised based on actual results in FY 2001:

**Goal 4.3.1** – Because the implementation of Law Manager did not take place in FY 2001, this goal has been revised to show that implementation will take place in FY 2002.

The following goal has been revised to provide more specificity regarding what will be done in FY 2002:

**Goal 4.6.1** – This goal has been revised to reflect the specific improvements in technology that are now planned for implementation during FY 2002.

#### Development of Performance Goals

As explained in the MSPB Performance Plan for FY 2001-FY 2002, the performance goals for Strategic Plan Goal 4 include both general management goals (Objectives 1 and 2), goals specific to the continued implementation of the agency's information technology initiative (Objectives 3 and 4), and other e-government goals (Objectives 5 and 6). The development and submission to OMB and Congress of a Strategic Plan, an annual Performance Plan, and an annual Performance Report (Objective 1) is, of course, required by law (GPRA). Establishment of priorities and allocation of resources (Objective 2) is a continuing management function. The goals with respect to the case management system (Objective 3) and electronic filing and receipt of case processing documents (Objective 4) are derived from the agency's 5-year IT plan and are meant to ensure that the MSPB can comply with the Government Paperwork Elimination Act by the October 2003 deadline. The goal for electronic availability of MSPB information (Objective 5) is a continuation of a goal established when MSPB launched its Web site in 1994 and supports the Administration's e-Government initiative. Finally, the goal of identifying, testing, and implementing new technologies (Objective 6) is a continuing IT management function. As noted above, a new goal has been added under Objective 6 relating to the information technology security program, as required by OMB. The goals are based on the following assumptions: (1) staff resources will remain relatively constant; (2) adequate funding will be provided by Congress; and (3) adequate technical and program resources will be available.

#### Responsibilities

The responsibility for development and submission of the GPRA-required Strategic Plan, Performance Plans, and Performance Reports rests with the Chairman, Chief of Staff, and FAM, with all MSPB offices providing input into the plans. The Chief of Staff is responsible for ensuring that managers are held accountable for achievement of performance goals. The Chairman, working through the Chief of Staff and with input from all offices and financial guidance from FAM, is responsible for the allocation of available resources among the MSPB offices. The project manager for the electronic filing and electronic information dissemination components of the information technology initiative is OCB, with IRM responsible for technical requirements, using both IRM staff and contractors. All offices participated in the development of requirements for the various components of the initiative, and all offices are participating in the testing of components as they are brought on-line. OCB is responsible for the maintenance of the MSPB Web site, with all other offices responsible for providing content for the site in their respective operational areas. The principal responsibility for identifying, testing, and implementing new technologies rests with the Chief of Staff (as CIO), IRM, and FAM. The

information technology security program responsibility is delegated by the CIO to the IRM Director, who serves as the agency's Security Officer.

#### Performance Measurement

The means that the MSPB will use to measure its achievement of these goals will vary by goal. Approval by OMB and the Congressional committees with jurisdiction over the MSPB will indicate that the goal with respect to the agency's Strategic Plan, Performance Plans, and Performance Reports is being met. The Chairman and Chief of Staff will determine whether managers are meeting the performance goals for their offices and whether resources have been allocated adequately to meet mission requirements. With respect to the information technology initiative, the measures of performance will include: implementation of the components of the system on schedule; systems availability and responsiveness to user needs; and results of user surveys. Ultimately (that is, beyond the FY 2002-FY 2003 performance period), the test of the success of the initiative will be improved organizational performance and controlled processing costs. Measurement of the goal for electronic availability of MSPB information will rely primarily on customer feedback, both through comments voluntarily submitted through the MSPB Web site and through customer surveys. The goal of identifying, testing, and implementing new technologies will be measured by the extent to which new technologies are incorporated into the agency's operations to increase efficiency and reduce costs. The goal of improving the agency's information technology security program will be measured both through internal reviews and periodic reviews by an independent CPA firm.

<b>Strategic Plan Goal 5</b> <b>To develop the MSPB’s human resources to ensure a continually improving, highly effective and efficient organization with the flexibility to meet program needs</b>		
<b>Objective 1 – Recruit, train, and retain skilled, highly motivated employees to effectively and efficiently accomplish the MSPB mission</b>		
<b>Objective 2 – Ensure that all employees and components of the MSPB work well together and integrate their efforts to accomplish the MSPB mission</b>		
<b>Objective 3 – Promote efficient and effective accomplishment of the MSPB mission by providing a work environment with workplace policies and programs that enable MSPB employees to excel</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<b>Goal 5.1</b> Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs  <b>FY 2002 Goal</b> – Send 6 employees to OPM’s Management Development Centers; send 1 employee to Federal Executive Institute (FEI); continue detail for Expedited PFR Pilot Program; provide other details as practicable  <b>FY 2003 Goal</b> – Send 6 employees to OPM’s Management Development Centers; send 1 employee to FEI; provide other details as practicable	Chief of Staff, FAM, All Offices	<b>FY 1999 Actual</b> – 5 employees sent to OPM’s Management Development Centers; OAC attorneys detailed on rotating basis to Vice Chairman, which gave each employee a broader understanding of the various MSPB organizations and how they interact  <b>FY 2000 Actual</b> – See next page  <b>FY 2001 Actual</b> – See next page

Objectives 1, 2 and 3 (continued)		
Performance Goals	Component	Experience
<p><b>Goal 5.1 (continued)</b></p> <p>Strengthen the employee development and management development program by increasing the opportunity for details between offices and identifying candidates for professional development programs</p>	<p>Chief of Staff, FAM, All Offices</p>	<p><b>FY 2000 Actual</b> – 6 employees sent to OPM’s Management Development Centers; OAC attorneys detailed to Vice Chairman/Acting Chairman on rotating basis, which gave each employee a broader understanding of the various MSPB organizations and how they interact; OAC attorneys detailed on rotating basis to OCB for Expedited PFR Pilot Program</p> <p><b>FY 2001 Actual</b> – 6 employees sent to OPM’s Management Development Centers and 4 employees sent to Federal Executive Institute (FEI); 1 OAC attorney detailed to Dallas field office for 2 months; 1 regional office attorney detailed to ORO for 6 months; OAC and OGC attorneys detailed to Chairman and Vice Chairman; OAC attorneys detailed on rotating basis to OCB for Expedited PFR Pilot Program</p>



<b>Objectives 1, 2 and 3 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 5.2 (Revised – see narrative)</b></p> <p>Allocate sufficient resources to employee training so that all employees can receive the training identified in their Individual Development Plans (IDPs)</p> <p><b>FY 2002 Goal</b> – Allocate \$ 270,000 for training in accordance with IDPs and ensure that training funds are used effectively; establish Training Committee</p> <p><b>FY 2003 Goal</b> – Allocate \$ 450,000 for training (including Legal Conference) in accordance with IDPs and ensure that training funds are used effectively</p>	Chief of Staff, All Offices	<p><b>FY 1999 Actual</b> – \$ 166,000 spent on training</p> <p><b>FY 2000 Actual</b> – \$ 178,500 spent on training</p> <p><b>FY 2001 Actual</b> – \$ 345,000 spent on training (excluding the \$130,000 spent on legal conference); IDPs developed for all employees and training in accordance with IDPs begun</p>
<p><b>Goal 5.3</b></p> <p>Conduct a biennial legal conference for MSPB administrative judges and headquarters attorneys</p> <p><b>FY 2002 Goal</b> – Make plans for 2003 legal conference</p> <p><b>FY 2003 Goal</b> – Conduct legal conference</p>	ORO/Regional Offices, with participation of other legal offices	<p><b>FY 1999 Actual</b> – None (legal conference held in September 1998)</p> <p><b>FY 2000 Actual</b> – Made plans for 2001 legal conference</p> <p><b>FY 2001 Actual</b> – Legal conference held May 21-24, 2001</p>

<b>Objectives 1, 2 and 3 (continued)</b>		
<b>Performance Goals</b>	<b>Component</b>	<b>Experience</b>
<p><b>Goal 5.4</b></p> <p>Continue to provide a family-friendly workplace, including AWS schedules and flexiplace arrangements</p> <p><b>FY 2002 Goal</b> – Continue to make AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission</p> <p><b>FY 2003 Goal</b> – Continue to make AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission</p>	All Offices	<p><b>FY 1999 Actual</b> – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 46 out of 237 employees on flexiplace</p> <p><b>FY 2000 Actual</b> – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 46 out of 226 employees on flexiplace</p> <p><b>FY 2001 Actual</b> – AWS schedules and flexiplace arrangements available, where consistent with accomplishment of mission; almost all employees on AWS schedule; 52 out of 222 employees on flexiplace</p>
<p><b>Goal 5.5</b></p> <p>Address succession planning (within the context of merit-based selections for positions) in office business plans</p> <p><b>FY 2002 Goal</b> – Succession planning addressed in all office business plans</p> <p><b>FY 2003 Goal</b> – Succession planning addressed in all office business plans</p>	All Offices	<p><b>FY 1999 Actual</b> – Not applicable (no office business plans required)</p> <p><b>FY 2000 Actual</b> – Two managers addressed succession planning in their office business plans</p> <p><b>FY 2001 Actual</b> – All managers addressed succession planning in their office business plans</p>

Revised Performance Goal for FY 2002:

A minor modification has been made to the following goal:

**Goal 5.2** – This goal has been revised to include a requirement to ensure that training funds are used effectively.

Development of Performance Goals

As explained in the MSPB Performance Plan for FY 2001-FY 2002, the performance goals for Strategic Plan Goal 5 were determined by the Chief of Staff and MSPB managers to be those most critical to improved organizational and individual performance. With the increasing use of information technology, the nature of work at the MSPB is changing, and training for employees is especially critical. In FY 2001, office directors and supervisors worked with their employees to create an individual development plan (IDP) for each employee, and training resources are being allocated in accordance with the IDPs. Continuing to accommodate employees' needs through offering flexible work schedules and flexiplace arrangements, where consistent with the accomplishment of the MSPB mission, is important both for recruitment of new employees and retention of top-performing employees. In addition, all Federal agencies are now required by law (section 359 of Public Law 106-346) to have a telecommuting policy and to remove barriers that inhibit employees' participation in agency telecommuting programs. Succession planning (within the context of merit-based selections for positions) has become increasingly important as more MSPB managers reach retirement eligibility. The goals are based on the following assumptions: (1) staff resources will remain relatively constant; and (2) adequate funding will be provided by Congress.

Responsibilities

The responsibility for meeting the performance goals rests primarily with the Chief of Staff and office managers. Human resources policy matters are the responsibility of FAM, and that office also manages the interagency agreement under which APHIS Business Services in Minneapolis performs day-to-day human resources management functions for the MSPB. The EEO Director is responsible for the agency's EEO program, including promoting diversity among MSPB offices, processing discrimination complaints, and making arrangements for accommodation of employees with disabilities. ORO has the principal responsibility for planning the legal conferences, with the participation of the other legal offices.

Performance Measurement

The MSPB will measure its achievement of these goals primarily by reviewing agency workload data, monitoring work processes, assessing training and development outcomes, and assessing individual and organizational accomplishments. Quantitative measures will also be used, where appropriate, such as the percentage of agency resources devoted to employee training.